

FAX TRANSMISSION

JAN 18 2005

DATE: January 18, 2005**PTO IDENTIFIER:** Application Number 10/001945-Conf #9920
Patent Number**Inventor:** Charles M. COOK et al.**MESSAGE TO:** US Patent and Trademark Office**FAX NUMBER:** (703) 872-9306**FROM:** LAHIVE & COCKFIELD, LLP
Maria Laccotripe Zacharakis, Ph.D., J.D.**PHONE:** (617) 227-7400**Attorney Dkt. #:** PPI-106CP2**PAGES (Including Cover Sheet):** 6**CONTENTS:** This Fax Cover Sheet (1 page)
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Transmittal (1 page)
Response to Restriction Requirement (with Traverse) (3 pages)

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Application No. (if known): 10/001945

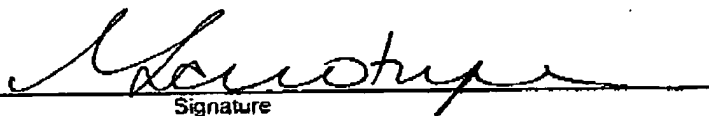
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Response to Restriction Requirement (with Traverse) (3 pages)

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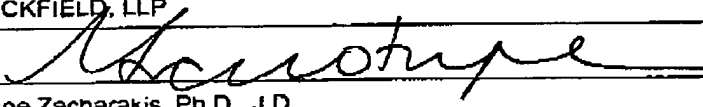
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TRANSMITTAL FORM (to be used for all correspondence after initial filing)	Application Number	10/001945-Conf. #9920
	Filing Date	November 1, 2001
	First Named Inventor	Charles M. COOK
	Art Unit	1654
	Examiner Name	Russel, Jeffrey
Total Number of Pages in This Submission	Attorney Docket Number	PPI-106CP2

ENCLOSURES (Check all that apply)

<input type="checkbox"/> Fee Transmittal Form <input type="checkbox"/> Fee Attached <input checked="" type="checkbox"/> Amendment/Reply <input type="checkbox"/> After Final <input type="checkbox"/> Affidavits/declaration(s) <input type="checkbox"/> Extension of Time Request <input type="checkbox"/> Express Abandonment Request <input type="checkbox"/> Information Disclosure Statement <input type="checkbox"/> Certified Copy of Priority Document(s) <input type="checkbox"/> Reply to Missing Parts/Incomplete Application <input type="checkbox"/> Reply to Missing Parts under 37 CFR 1.52 or 1.53	<input type="checkbox"/> Drawing(s) <input type="checkbox"/> Licensing-related Papers <input type="checkbox"/> Petition <input type="checkbox"/> Petition to Convert to a Provisional Application <input type="checkbox"/> Power of Attorney, Revocation Change of Correspondence Address <input type="checkbox"/> Terminal Disclaimer <input type="checkbox"/> Request for Refund <input type="checkbox"/> CD, Number of CD(s) _____ <input type="checkbox"/> Landscape Table on CD	<input type="checkbox"/> After Allowance Communication to TC <input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences <input type="checkbox"/> Appeal Communication to TC (Appeal Notice, Brief, Reply Brief) <input type="checkbox"/> Proprietary Information <input type="checkbox"/> Status Letter <input checked="" type="checkbox"/> Other Enclosure(s) (please identify below): Fax Cover Sheet (1 pg); Certificate of Transmission (1 pg)
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Firm Name	LAHIVE & COCKFIELD, LLP		
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Printed name	Maria Laccotripe Zacharakis, Ph.D., J.D.		
Date	January 18, 2005	Reg. No.	56,266

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Dated, January 18, 2005

Signature: 

(Maria Laccotripe Zacharakis, Ph.D., J.D.)

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Dated: January 18, 2005

Signature: 

(Maria Laccorinpe Zedner, Ph.D., J.D.)

Docket No.: PPI-106CP2
(PATENT)**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**In re Patent Application of:
Charles M. Cook *et al.*

Application No.: 10/001945

Confirmation No.: 9920

Filed: November 1, 2001

Art Unit: 1654

For: THERAPEUTIC AGENTS AND METHODS
OF USE THEREOF FOR THE MODULATION
OF ANGIOGENESIS

Examiner: Russel, Jeffrey

JAN 13 2005

RESPONSE TO RESTRICTION REQUIREMENTMS Amendment
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Dear Sir:

This is in response to the restriction requirement set forth in the Office Action mailed December 16, 2004.

In the Office Action, the Examiner has required, under 35 U.S.C. §121, restriction to one of the peptide sequences identified as SEQ ID NOs:2-23 and 35.

Accordingly, Applicants hereby elect SEQ ID NO:16 for continued examination, *with traverse*.

Applicants hereby *traverse* the foregoing Restriction Requirement on the grounds that compounds comprising the peptides of SEQ ID NOs:2-23 and 35 should be re-grouped as a single invention, as these peptides are connected in design, operation, and effect, *i.e.*, are not independent (M.P.E.P. §808.01). Applicants have presented claims which are directed to compounds comprising a Fumagellin core coupled to a peptide, which function as angiogenesis inhibitors. These compounds have the same design and operation: coupling the Fumagellin core to a peptide of SEQ ID NOs: 2-23 and 35 prevents the metabolic degradation of the angiogenesis

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inhibitor compound to ensure a superior pharmacokinetic profile and limits CNS side effects by altering the ability of the angiogenesis inhibitor compound to cross the blood brain barrier. Moreover, these compounds have the same effect: they modulate angiogenesis by inhibiting methionine aminopeptidase 2 (MetAP-2).

For the foregoing reasons, Applicants respectfully submit that a sufficient search and examination with respect to the inventions comprising the peptides of SEQ ID NOs:2-23 and 35 can be made without a serious burden on the Examiner. As the M.P.E.P. states:

[i]f the search and examination of an entire application can be made without serious burden, the examiner must examine it on the merits, even though it includes claims to independent or distinct inventions. M.P.E.P. § 803.

The searches with regard to the compounds comprising the peptides of SEQ ID NOs:2-23 and 35 would be co-extensive and would not involve a serious burden on the Examiner.

Applicants believe that, in this situation, a *species election* may be more proper for searching purposes only, posing no undue burden on the Examiner. Applicants point the Examiner's attention to USSN: 09/704,251 and USSN 09/972,772 , where the same Examiner has only required a species election for searching purposes, for the peptides of SEQ ID NOs:2-23 and 35. A restriction under 35 U.S.C. § 121 is improper for above-stated reasons. Accordingly, Applicants hereby request that the inventions directed to compounds comprising SEQ ID NOs:2-23 and 35 be combined into a single Group.

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Applicants believe that no fee is due with this statement. However, if a fee is due, please charge our Deposit Account No. 12-0080, under Order No. PPI-106CP2 from which the undersigned is authorized to draw.

Dated: January 18, 2005

Respectfully submitted,

By 

Maria Laccotripe Zacharakis, Ph.D., J.D.

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